

STATE OF FLORIDA

J. TERRY DEASON
CHAIRMAN



CAPITAL CIRCLE OFFICE CENTER
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FILE COPY ORIGINAL

Public Service Commission

October 5, 2000

Ms. Magalie Roman Salas
FCC Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Dear Ms. Salas:

Pursuant to the procedures established in the FCC's First Order on Reconsideration in CC Docket No. 94-129 released May 3, 2000, the Florida Public Service Commission (FPSC) is electing to take primary responsibility for resolving slamming complaints registered by Florida consumers as of the effective date of the FCC's modified unauthorized carrier change rules. The information required to be included in the state notification by 47 C.F.R. § 64.1110(a) and ¶ 29 of the May Order is provided below:

Complaint Process

Method of Filing:

Consumers may contact the FPSC regarding their slamming complaints by letter, toll-free fax, and on-line electronic complaint form or telephone call to the Commission.

Location of Filing:

Mailing address:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Toll-free consumer complaints phone number:

1-800/342-3552

Toll-free facsimile number:

1-800/511-0809

On-line complaint: <http://www.floridapsc.com/consumers/complaint/index.html>

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Filing fees: No filing fees required.

Documentation Consumer Must Provide: No documentation is absolutely required, however, staff may request a copy of the page of the consumer's telephone bill that contains the alleged unauthorized carrier's charges and a document containing the consumer's legal signature, if a letter of authorization is involved, (usually a driver's license).

Procedure (Safeguards, Deadlines, Appeal Rights): The FPSC will be applying its more stringent rules, which are attached. The alleged unauthorized carrier is required by the Florida Public Service Commission's (FPSC) rules to respond to the investigator within 15 calendar days. The FPSC rules further require the first 30 days of charges imposed by the unauthorized carrier to be removed from the consumer's telephone bill.

In its initial contact with the alleged unauthorized carrier, the FPSC will request proof that, prior to switching the consumer, the carrier obtained proper authorization in compliance with the FPSC rules. Upon receipt of the carrier's alleged proof of authorization, typically either a tape-recorded independent third-party verification or a letter of authorization, the FPSC investigator determines if the verification complies with state law and FPSC rules. The FPSC rule regarding verification procedures meets or exceeds the requirements of the FCC's rules. The FPSC rule requires the unauthorized carrier to refund or credit the consumer 100% of the unauthorized charges depending on whether the consumer has paid the bill. For example, the consumer is absolved of liability for the first 30 days and rerated to preferred carrier's rates after the first 30 days up to twelve months.

You will note that the FPSC's rules do not address carrier to carrier compensation. It is our understanding that, to date, carriers have not sought compensation for lost revenues, as the result of slamming, from the unauthorized carriers. We also note that ¶ 86 in the FCC's August 15 Slamming Order acknowledges a possible carrier-to-carrier resolution of inter-carrier concerns.

If the investigator determines the carrier verification provided by the carrier complies with the FPSC's rules, the consumer is notified that the FPSC found that no slam occurred. If the investigator determines that the verification was inadequate, then the carrier and consumer are informed that a slam did occur and, in accordance with 47 U.S.C. § 258 (b)¹, both the federal and state remedies apply.

¹ Section 258(b) says specifically that the federal procedures created to implement subsection (b)'s remedies for slamming, as prescribed in the FCC's Rules, are "in addition to any other remedies available by law."

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If the carrier fails to provide proof of authorization or does not respond to the investigator, the FPSC initiates formal legal action in the form of a show cause proceeding. A carrier or consumer who is not satisfied with the resolution of a slamming complaint, may appeal the determination through the Commission's complaint rule procedures, or by pursuing the matter by filing a formal complaint with the Commission.

It is our understanding, based on discussions with the FCC's staff, there is no absolute requirement that we use adjudication or formal Commission bench time on every slamming complaint.

FCC-State Coordination:

Reporting: The FPSC staff enters each slamming complaint that is investigated into our complaint database. In accordance with ¶ 34 of the May Order, we agree to regularly file information with the FCC that details slamming activity in our State to facilitate joint enforcement activities.

Coordination: The primary contact for the FCC or coordination of FCC complaint referrals and State reporting is Bev DeMello, (850)413-6107; Facsimile: (850)413-6108; e-mail: bdemello@psc.state.fl.us

E-mail complaint referrals should be directed to contact@psc.state.fl.us, while complaints delivered via U.S. mail should be directed to the address listed above.

The FPSC looks forward to working with the FCC to eradicate slamming altogether.

Sincerely,



J. Terry Deason, Chairman
Florida Public Service Commission

Attachment

cc: FCC Consumer Information Bureau Chief
Bev DeMello, Director, Division of Consumer Affairs, FPSC

PART IX	ACCOUNTING AND REVENUE REQUIREMENTS
A.	Accounting Reports
25-4.135	Annual Reports.
25-4.1351	Diversification Reports. (Repealed)
25-4.1352	Earnings Surveillance Report.
25-4.1353	Forecasted Earnings Surveillance Report. (Repealed)
25-4.1357	Annual Separations Cost Study.
B.	Revenue Requirements
25-4.140	Test Year Notification.
25-4.141	Minimum Filing Requirements for Rate-of-Return Regulated Local Exchange Companies; Commission Designee.
25-4.142	Burden of Proof and Audit Provisions. (Repealed)
PART X	TELECOMMUNICATIONS ACCESS SYSTEM
25-4.150	The Administrator.
25-4.160	Operation of Telecommunications Relay Service.
PART XI	STREAMLINED REGULATORY PROCEDURES FOR SMALL LECS
25-4.200	Application and Scope.
25-4.202	Construction.
25-4.210	Service Evaluations and Investigations.
25-4.214	Tariff Filings.
25-4.215	Limited Scope Proceedings.

PART I GENERAL PROVISIONS

25-4.002 Application and Scope.

(1) These rules are intended to define reasonable service standards which will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both the utility and the customer. The rules contained in Parts I-XI of this Chapter apply to local exchange companies. The rules contained in Part X of Chapter 25-24 apply to any Interexchange Company. The rules in Part XI of Chapter 25-24 apply to any pay telephone service company. The rules in Part XII of Chapter 25-24 apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter 25-24 apply to all Operator Service Provider Companies and call aggregators. The rules contained in Part XIV of Chapter 25-24 apply to all Alternative Access Vendor Service Providers. The rules contained in Part XV apply to all alternative local exchange telecommunications companies.

(2) In addition to the rules contained in this part, any local exchange company that provides operator services in a call aggregator context shall also comply with the rules contained in Part XIII of Chapter 25-24, F.A.C.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3376 FS. History--Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99.

25-4.003 Definitions.

For the purpose of Chapter 25-4, the definitions of the following terms apply:

(1) "Access Line" or "Subscriber Line." The circuit or channel between the demarcation point at the customer's premises and the serving end or class 5 central office.

(2) "Alternative Local Exchange Telecommunications Company (ALEC)." Any company certificated by the commission to provide local exchange telecommunications services in Florida on or after July 1, 1995.

(3) "Average Busy Season-Busy Hour Traffic." The average traffic volume for the busy season busy hours.

(4) "Billing Party." Any telecommunications company that bills an end user consumer on its own behalf or on behalf of an originating party.

(5) "Busy Hour." The continuous one-hour period of the day during which the greatest volume of traffic is handled in the office.

(6) "Busy Season." The calendar month or period of the year (preferably 30 days but not to exceed 60 days) during which the greatest volume of traffic is handled in the office.

(7) "Call." An attempted telephone message.

(8) "Central Office." A location where there is an assembly of equipment that establishes the connections between subscriber access lines, trunks, switched access circuits, private line facilities, and special access facilities with the rest of the telephone network.

(9) "Commission." The Florida Public Service Commission.

(10) "Company," "Telecommunications Company," "Telephone Company," or "Utility." These terms may be used interchangeably herein and shall mean "telecommunications company" as defined in Section 364.02(12), Florida Statutes.

- (11) "Completed call." A call which has been switched through an established path so that two-way conversation or data transmission is possible.
- (12) "Disconnect" or "Disconnection." The dissociation or release of a circuit. In the case of a billable call, the end of the billable time for the call whether intentionally terminated or terminated due to a service interruption.
- (13) "Drop or Service Wire." The connecting link that extends from the local distribution service terminal to the protector or telephone network interface device on the customer's premises.
- (14) "Exchange." The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.
- (15) "Exchange (Service) Area." The territory of a local exchange company (LEC) within which local telephone service is furnished at the exchange rates applicable within that area.
- (16) "Extended Area Service." A type of telephone service whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other exchanges or areas without toll charges, or complete calls to one or more other exchanges or areas without toll message charges.
- (17) "Extension Station." An additional station connected on the same circuit as the main station and subsidiary thereto.
- (18) "Foreign Exchange Service." A classification of LEC exchange service furnished under tariff provisions whereby a subscriber may be provided telephone service from an exchange other than the one from which he would normally be served.
- (19) "Information Service." Telephone calls made to 900 or 976 type services, but does not include Internet services.
- (20) "Intercept Service." A service arrangement provided by the telecommunications company whereby calls placed to an unequipped non-working, disconnected, or discontinued telephone number are intercepted by operator, recorder, or audio response computer and the calling party informed that the called telephone number is not in service, has been disconnected, discontinued, or changed to another number, or that calls are received by another telephone. This service is also provided in certain central offices and switching centers to inform the calling party of conditions such as system blockages, inability of the system to complete a call as dialed, no such office code, and all circuits busy.
- (21) "Interexchange Company (IXC)." Any telecommunications company, as defined in Section 364.02(12), Florida Statutes, which provides telecommunications service between local calling areas as those areas are described in the approved tariffs of individual LECs. IXC includes, but is not limited to, MLDAs as defined in subsection (37) of these definitions.
- (22) "Inter-office Call." A telephone call originating in one central office but terminating in another central office, both of which are in the same designated exchange area.
- (23) "Interstate Toll Message." Those toll messages which do not originate and terminate within the same state.
- (24) "Intertoll Trunk." A line or circuit between two toll offices, two end offices, or between an end office and toll office, over which toll calls are passed.
- (25) "Intra-office Call." A telephone call originating and terminating within the same central office.
- (26) "Intra-state Toll Message." Those toll messages which originate and terminate within the same state.
- (27) "Invalid Number." A number comprised of an unassigned area code number or a non-working central office code (NXX).
- (28) "Large LEC." A LEC certificated by the Commission prior to July 1, 1995, that had in excess of 100,000 access lines in service on July 1, 1995.
- (29) "Local Access and Transport Area (LATA)" or "Market Area." A geographical area, which is loosely based on standard metropolitan statistical areas (SMSAs), within which a LEC may transport telecommunication signals.
- (30) "Local Exchange Telecommunications Company (LEC)." Any telecommunications company, as defined in Section 364.02(6), Florida Statutes.
- (31) "Local Provider (LP)." Any telecommunications company providing local telecommunications service, excluding pay telephone providers and call aggregators.
- (32) "Local Service Area" or "Local Calling Area." The area within which telephone service is furnished subscribers under a specific schedule of rates and without toll charges. A LEC's local service area may include one or more exchange areas or portions of exchange areas.
- (33) "Local Toll Provider (LTP)." Any telecommunications company providing intraLATA or intramarket area long distance telecommunications service.
- (34) "Main Station." The principal telephone associated with each service to which a telephone number is assigned and which is connected to the central office equipment by an individual or party line circuit or channel.
- (35) "Message." A completed telephone call.
- (36) "Mileage Charge." A tariff charge for circuits and channels connecting other services that are auxiliary to local exchange service such as off premises extensions, foreign exchange and foreign central office services, private line services, and tie lines.
- (37) "Multiple Location Discount Aggregator (MLDA)." An entity that offers discounted long distance telecommunications services from an underlying IXC to unaffiliated entities. An entity is a MLDA if one or more of the following criteria applies:
- (a) It collects fees related to interexchange telecommunications services directly from subscribers,
 - (b) It bills for interexchange telecommunications services in its own name,
 - (c) It is responsible for an end user's unpaid interexchange telecommunications bill, or
 - (d) A customer's bill cannot be determined by applying the tariff of the underlying IXC to the customer's individual usage.

(38) "Normal Working Days." The normal working days for installation and construction shall be all days except Saturdays, Sundays, and holidays. The normal working days for repair service shall be all days except Sundays and holidays. Holidays shall be the days which are observed by each individual telephone utility.

(39) "Optional Calling Plan." An optional service furnished under tariff provisions which recognizes the need of some subscribers for extended area calling without imposing the cost on the entire body of subscribers.

(40) "Originating Party." Any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term "originating party" does not include any entity specifically exempted from the definition of "telecommunications company" as provided in s. 364.02(12).

(41) "Out of Service." The inability, as reported by the customer, to complete either incoming or outgoing calls over the subscriber's line. "Out of Service" shall not include:

(a) Service difficulties such as slow dial tone, circuits busy, or other network or switching capacity shortages;

(b) Interruptions caused by a negligent or willful act of the subscriber; and

(c) Situations in which a company suspends or terminates service because of nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set forth in approved tariffs or Commission rules.

(42) "Outside Plant." The telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices of the same or different exchanges.

(43) "Pay Telephone Service Company." Any telecommunications company that provides pay telephone service as defined in Section 364.3375, Florida Statutes.

(44) "PC-Freeze." (Preferred Carrier Freeze) A service offered that restricts the customer's carrier selection until further notice from the customer.

(45) "Provider." Any telecommunications company providing service, excluding pay telephone providers and call aggregators (i.e., local, local toll, and toll providers).

(46) "Service Objective." A quality of service which is desirable to be achieved under normal conditions.

(47) "Service Standard." A level of service which a telecommunications company, under normal conditions, is expected to meet in its certificated territory as representative of adequate services.

(48) "Small LEC." A LEC certificated by the Commission prior to July 1, 1995, which had fewer than 100,000 access lines in service on July 1, 1995.

(49) "Station." A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending or receiving telephone messages.

(50) "Subscriber" or "Customer." These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telecommunications company.

(51) "Subscriber Line." See "Access Line."

(52) "Switching Center." Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.

(53) "Toll Connecting Trunk." A trunk which connects a local central office with its toll operating office.

(54) "Toll Message." A completed telephone call between stations in different exchanges for which message toll charges are applicable.

(55) "Toll Provider (TP)." Any telecommunications company providing interLATA long distance telecommunications service.

(56) "Traffic Study." The process of recording usage measurements which can be translated into required quantities of equipment.

(57) "Trouble Report." Any oral or written report from a subscriber or user of telephone service to the telephone company indicating improper function or defective conditions with respect to the operation of telephone facilities over which the telephone company has control.

(58) "Trunk." A communication channel between central office units or entities, or private branch exchanges.

(59) "Valid Number." A number for a specific telephone terminal in an assigned area code and working central office which is equipped to ring and connect a calling party to such terminal number.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602 FS. History--Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 12-28-98, 7-5-00.

~~25-4.004 Certificates of Public Convenience and Necessity.~~

~~Except as provided in Chapter 364, Florida Statutes, no person shall begin the construction or operation of any telephone line, plant or system or an extension thereof or acquire ownership or control thereof, either directly or indirectly, without first obtaining from the Florida Public Service Commission a certificate that the present or future public convenience and necessity require or will require such construction, operation or acquisition.~~

~~*Specific Authority 350.127(2) FS. Law Implemented 364.33 FS. History--Revised 12-1-68, Formerly 25-4.04.*~~

(3) New or additional deposits. A company may require upon reasonable written notice of not less than 15 days, a new deposit, where previously waived or returned, or an additional deposit, in order to secure payment of current bills. Provided, however, that the total amount of required deposit should not exceed twice the actual average monthly toll provided by or billed by the LEC plus one month's local service charge, for the 90-day period immediately prior to the date of notice. In the event the customer has had service less than 90 days, then the company shall base its new or additional deposit upon the actual average monthly billing available. When the company has a good reason to believe payment by a nonresidential customer is in jeopardy and toll usage provided by or billed by the LEC is significantly above normal for that customer, the company may request a new or additional deposit. If the deposit requested is not paid within 48 hours, the company may discontinue service.

(4) Refund of deposit. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the company shall refund the residential customer's deposits and shall, at its option, either refund or pay the higher rate of interest specified below for nonresidential deposits, providing the customer has not, in the preceding 12 months, (a) made more than one late payment of a bill (after the expiration of 15 days from the date of mailing or delivery by the company), (b) paid with a check refused by a bank, (c) been disconnected for nonpayment, or at any time, (d) used service in a fraudulent or unauthorized manner.

(5) Interest on deposit.

(a) Each telephone company which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 6 percent per annum. The company shall pay an interest rate of 7 percent per annum on deposits of nonresidential customers qualifying under subsection (4) when the utility elects not to refund such deposit after 23 months.

(b) The deposit interest shall be simple interest in all cases and settlement shall be made annually, either in cash or by credit on the current bill. This does not prohibit any company paying a higher rate of interest than required by this rule. No customer depositor shall be entitled to receive interest on their deposit until and unless a customer relationship and the deposit have been in existence for a continuous period of six months. Then he or she shall be entitled to receive interest from the day of the commencement of the customer relationship and the placement of deposit. Nothing in this rule shall prohibit a company from refunding at any time a deposit with an accrued interest.

(6) Record of deposits. Each company having on hand deposits from customers or hereafter receiving deposits from them shall keep records to show:

(a) The name of each customer making the deposit;

(b) The premises occupied by the customer when the deposit was made;

(c) The date and amount of deposit; and

(d) Each transaction concerning the deposit such as interest payment, interest credited or similar transactions.

(7) Receipt for deposit. A non-transferable certificate of deposit shall be issued to each customer and means provided so that the customer may claim the deposit if the certificate is lost. The deposit receipt shall contain notice that after ninety (90) days service, the subscriber is entitled to refunds of any deposit over and above an amount equal to one month's local service plus two months' average toll service provided by or billed by the LEC.

(8) Refund of deposit when service is discontinued. Upon termination of service, the deposit and accrued interest may be credited against the final account of the LEC and the balance, if any, shall be returned promptly to the customer but in no event later than forty-five (45) days after service is discontinued.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS. History—New 12-1-68, Amended 4-1-69, 7-20-73, 3-31-76, 6-16-80, 9-16-80, 1-31-84, 10-13-88, 8-29-89, 4-25-94.

25-4.116 Customer Billing for Local Exchange Telecommunications Companies.

(1) Each company shall issue bills monthly or may offer customers a choice of billing intervals that includes a monthly billing interval.

(2) Six months after the effective date of this rule, each billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.

(a) There shall be a heading for each originating party which is billing to that customer account for that billing period. The heading shall clearly and conspicuously indicate the originating party's name. If the originating party is a certificated telecommunications company, the certificated name must be shown. If the originating party has more than one certificated name, the name appearing in the heading must be the name used to market the service.

(b) The toll-free customer service number for the service provider or its customer service agent must be conspicuously displayed in the heading, immediately below the heading, or immediately following the list of charges for the service provider. For purposes of this subparagraph, the service provider is defined as the company which provided the service to the end user. If the service provider has a customer service agent, the toll-free number must be that of the customer service agent and must be displayed with the service provider's heading or with the customer service agent's heading, if any. For purposes of this subparagraph, a customer service agent is a person or entity that acts for any originating party pursuant to the terms of a written agreement. The scope of such agency shall be limited to the terms of such written agreement.

(c) Each charge shall be described under the applicable originating party heading.

(d) 1. Taxes, fees, and surcharges related to an originating party heading shall be shown immediately below the charges described under that heading. The terminology for Federal Regulated Service Taxes, Fees, and Surcharges must be consistent with all FCC required terminology.

2. The billing party shall either:

a. Identify Florida taxes and fees applicable to charges on the customer's bill as (including but not limited to) "Florida gross receipts tax," "Franchise fees," "Municipal utility tax," and "Sales tax," and identify the assessment base and rate for each percentage based tax, fee, and surcharge, or

b.(i) Provide a plain language explanation of any line item and applicable tax, fee, and surcharge to any customer who contacts the billing party or customer service agent with a billing question and expresses difficulty in understanding the bill after discussion with a service representative.

(ii) If the customer requests or continues to express difficulty in understanding the explanation of the authority, assessment base or rate of any tax, fee or surcharge, the billing party shall provide an explanation of the state, federal, or local authority for each tax, fee, and surcharge; the line items which comprise the assessment base for each percentage based tax, fee, and surcharge; or the rate of each state, federal, or local tax, fee, and surcharge consistent with the customer's concern. The billing party or customer service agent shall provide this information to the customer in writing upon the customer's request.

(e) If each recurring charge due and payable is not itemized, each bill shall contain the following statement: "Further written itemization of local billing available upon request."

(3) Each LEC shall provide an itemized bill for local service:

(a) With the first bill rendered after local exchange service to a customer is initiated or changed; and

(b) To every customer at least once each twelve months.

(4) The annual itemized bill shall be accompanied by a bill stuffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill stuffer shall be submitted to the Commission's Division of Telecommunications for prior approval. The itemized bill provided to residential customers and to business customers with less than ten access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:

(a) Number and types of access lines;

(b) Charges for access to the system, by type of line;

(c) Touch tone service charges;

(d) Charges for custom calling features, separated by feature;

(e) Unlisted number charges;

(f) Local directory assistance charges;

(g) Other tariff charges; and

(h) Other nontariffed, regulated charges contained in the bill.

(5) All bills rendered by a local exchange company shall clearly state the following items:

(a) Any discount or penalty. The originating party is responsible for informing the billing party of all such penalties or discounts to appear on the bill, in a form usable by the billing party;

(b) Past due balance;

(c) Items for which nonpayment will result in disconnection of the customer's basic local service, including a statement of the consequences of nonpayment;

(d) Long-distance monthly or minimum charges, if included in the bill;

(e) Long-distance usage charges, if included in the bill;

(f) Usage-based local charges, if included in the bill;

(g) Telecommunications Access System Surcharge, per Rule 25-4.160(3);

(h) "911" fee per Section 365.171(13), Florida Statutes; and

(i) Delinquent date.

(6) Each company shall make appropriate adjustments or refunds where the subscriber's service is interrupted by other than the subscriber's negligent or willful act, and remains out of order in excess of 24 hours after the subscriber notifies the company of the interruption. The refund to the subscriber shall be the pro rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative; except that the refund shall not be applicable for the time that the company stands ready to repair the service and the subscriber does not provide access to the company for such restoration work. The refund may be accomplished by a credit on a subsequent bill for telephone service.

(7)(a) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of mailing or delivery by the company. However, the company may demand immediate payment under the following circumstances:

1. Where service is terminated or abandoned;

2. Where toll service is two times greater than the subscriber's average usage as reflected on the monthly bills for the three months prior to the current bill, or, in the case of a new customer who has been receiving service for less than four months, where the toll service is twice the estimated monthly toll service; or

3. Where the company has reason to believe that a business subscriber is about to go out of business or that bankruptcy is imminent for that subscriber.

(b) The demand for immediate payment shall be accompanied by a bill which itemizes the charges for which payment is demanded, or, if the demand is made orally, an itemized bill shall be mailed or delivered to the customer within three days after the demand is made.

(c) If the company cannot present an itemized bill, it may present a summarized bill which includes the customer's name and address and the total amount due. However, a customer may refuse to make payment until an itemized bill is presented. The company shall inform the customer that he may refuse payment until an itemized bill is presented.

(8) Each telephone company shall include a bill insert advising each subscriber of the directory closing date and the subscriber's opportunity to correct any error or make changes as the subscriber deems necessary in advance of the closing date. It shall also state that at no additional charge and upon the request of any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number, and surname of the subscriber. The notice shall be included in the billing cycle closest to 60 days preceding the directory closing date.

(9) Annually, each telephone company shall include a bill insert advising each residential subscriber of the option to have the subscriber's name placed on the "No Sales Solicitation" list maintained by the Department of Agriculture and Consumer Services, Division of Consumer Services, and the 800 number to contact to receive more information.

(10) Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 12 months. Nor may the company recover in a ratemaking proceeding any lost revenue which inures to the company's detriment on account of this provision.

(11) Franchise fees and municipal telecommunications taxes.

(a) When a municipality charges a company any franchise fee, or municipal telecommunications tax authorized by Section 166.231, Florida Statutes, the company may collect that fee only from its subscribers receiving service within that municipality. When a county charges a company any franchise fee, the company may collect that fee only from its subscribers receiving service within that county.

(b) A company may not incorporate any franchise fee or municipal telecommunications tax into its other rates for service.

(c) This subsection shall not be construed as granting a municipality or county the authority to charge a franchise fee or municipal telecommunications tax. This subsection only specifies the method of collection of a franchise fee if a municipality or county, having authority to do so, charges a franchise fee or municipal telecommunications tax.

(12)(a) When a company elects to add the Gross Receipts Tax onto the customer's bill as a separately stated component of that bill, the company must first remove from the tariffed rates any embedded provisions for the Gross Receipts Tax.

(b) If the tariffed rates in effect have a provision for gross receipts tax, the rates must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, thereby rendering the customer's bill unaffected by the election to add the Gross Receipts Tax as a separately stated tax.

(c) This subsection shall not be construed as a mandate to elect to separately state the Gross Receipts Tax. This subsection only specifies the method of applying such an election.

(d) All services sold to another telecommunications vendor, provided that the applicable rules of the Department of Revenue are satisfied, must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, unless those services have been adjusted by some other Commission action.

(e) When a nonrate base regulated telecommunications company exercises the option of adding the gross receipts tax as a separately stated component on the customer's bill then that company must file a tariff indicating such.

(13) Each LEC shall apply partial payment of an end user/customer bill first towards satisfying any unpaid regulated charges. The remaining portion of the payment, if any, shall be applied to nonregulated charges.

(14) All bills produced shall clearly and conspicuously display the following information for each service billed in regard to each company claiming to be the customer's presubscribed provider for local, local toll, or toll service:

(a) The name of the certificated company;

(b) Type of service provided, i.e., local, local toll, or toll; and

(c) A toll-free customer service number.

(15) This section applies to LECs that provide transmission services or bill and collect on behalf of Pay Per Call providers. Pay Per Call services are defined as switched telecommunications services between locations within the State of Florida which permit communications between an end use customer and an information provider's program at a per call charge to the end user/customer. Pay Per Call services include 976 Services provided by the LECs and 900 services provided by interexchange carriers.

(a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "Pay Per Call (900 or 976) nonregulated charges." The following information shall be clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or 976) charges:

1. Nonpayment of Pay Per Call service (900 or 976) charges will not result in disconnection of local service;
2. End users/customers can obtain free blocking of Pay Per Call service (900 or 976) from the LEC;
3. The local or toll-free number the end user/customer can call to dispute charges;
4. The name of the IXC providing 900 service; and

5. The Pay Per Call service (900 or 976) program name.

(b) Pay Per Call Service (900 and 976) Billing. LECs and IXC's who have a tariff or contractual relationship with a Pay Per Call (900 or 976) provider shall not provide Pay Per Call transmission service or billing services, unless the provider does each of the following:

1. Provides a preamble to the program which states the per minute and total minimum charges for the Pay Per Call service (900 and 976); child's parental notification requirement is announced on preambles for all programs where there is a potential for minors to be attracted to the program; child's parental notification requirement in any preamble to a program targeted to children must be in language easily understandable to children; and programs that do not exceed \$3.00 in total charges may omit the preamble, except as provided in Section (11)(b)3.;

2. Provides an 18 second billing grace period in which the end user/customer can disconnect the call without incurring a charge; from the time the call is answered at the Pay Per Call provider's premises, the preamble message must be no longer than 15 seconds. The program may allow an end user/customer to affirmatively bypass a preamble;

3. Provides on each program promotion targeted at children (defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the program preamble. Children's programs shall not have rates in excess of \$5.00 per call, and shall not include the enticement of a gift or premium;

4. Promotes its services without the use of an autodialer or broadcasting of tones that dial a Pay Per Call (900 or 976) number;

5. Prominently discloses the additional cost per minute or per call for any other telephone number that an end user/customer is referred to either directly or indirectly;

6. In all advertising and promotional materials, displays charges immediately above, below, or next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a glance as the Pay Per Call number. Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Pay Per Call number is shown, each time the Pay Per Call number is shown. Oral representations shall be equally as clear;

7. Provides on Pay Per Call services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the end user/customer stays on the line, and a local or toll free number for consumer complaints; and

8. Meets internal standards established by the LEC or IXC as defined in the applicable tariffs or contractual agreement between the LEC and the IXC; or between the LEC/IXC and the Pay Per Call (900 or 976) provider which when violated, would result in the termination of a transmission or billing arrangement.

(c) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where technically feasible of Pay Per Call service (900 and 976), at the request of the end user/customer at no charge. Each LEC or IXC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Pay Per Call charges. The LEC or IXC will adjust the first bill containing Pay Per Call charges upon the end user's/customer's stated lack of knowledge that Pay Per Call service (900 and 976) has a charge. A second adjustment will be made if necessary to reflect calls billed in the following month which were placed prior to the Pay Per Call service inquiry. At the time the charge is removed, the end user/customer may agree to free blocking of Pay Per Call service (900 and 976).

(d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call service (900 and 976) shall be automatically adjusted upon complaint that:

1. The end user/customer did not receive a price advertisement, the price of the call was misrepresented to the consumer, or the price advertisement received by the consumer was false, misleading, or deceptive;

2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900 or 976) advertisement;

3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the end user/customer was disconnected or cut off from the service;

4. The Pay Per Call (900 and/or 976) service provided out-of-date information; or

5. The end user/customer terminated the call during the preamble described in 25-4.110(11)(b)2., but was charged for the Pay Per Call service (900 or 976).

(e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976) charge which is subsequently determined by the LEC to be valid, the LEC or IXC may implement Pay Per Call (900 and 976) blocking on that line.

(f) Credit and Collection. LECs and IXC's billing Pay Per Call (900 and 976) charges to an end user/customer in Florida shall not:

1. Collect or attempt to collect Pay Per Call service (900 or 976) charges which are being disputed or which have been removed from an end user's/customer's bill; or

2. Report the end user/customer to a credit bureau or collection agency solely for non-payment of Pay Per Call (900 or 976) charges.

(g) LECs and IXC's billing Pay Per Call service (900 and 976) charges to end users/customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Pay Per Call (900 or 976) charges.

(16) Companies that bill for local service must provide notification with the customer's first bill or via letter, and annually thereafter that a PC Freeze is available. Existing customers must be notified annually that a PC Freeze is available.

(17) The customer must be given notice on the first or second page of the customer's next bill in conspicuous bold face type when the customer's presubscribed provider of local, local toll, or toll service has changed.

(18) If a customer notifies a billing party that they did not order an item appearing on their bill or that they were not provided a service appearing on their bill, the billing party shall promptly provide the customer a credit for the item and remove the item from the customer's bill, with the exception of the following:

(a) Charges that originate from:

1. Billing party or its affiliates;
2. A governmental agency;
3. A customer's presubscribed intraLATA or interLATA interexchange carrier; and

(b) Charges associated with the following types of calls:

1. Collect calls;
2. Third party calls;
3. Customer dialed calls for; and
4. Calls using a 10-10-xxx calling pattern.

(19)(a) Within one year of the effective date of this rule and upon request from any customer, a billing party must restrict charges in its bills to only:

1. Those charges that originate from the following:

- a. Billing party or its affiliates;
- b. A governmental agency;
- c. A customer's presubscribed intraLATA or interLATA interexchange carrier; and

2. Those charges associated with the following types of calls:

- a. Collect calls;
- b. Third party calls;
- c. Customer dialed calls; and
- d. Calls using a 10-10-xxx calling pattern.

(b) Customers must be notified of this right by billing parties annually and at each time a customer notifies a billing party that the customer's bill contained charges for products or services that the customer did not order or that were not provided to the customer.

(c) Small local exchange telecommunications companies as defined in Section 364.052(1), F.S., are exempted from this subsection.

(20) Nothing prohibits originating parties from billing customers directly, even if a charge has been blocked from a billing party's bill at the request of a customer.

Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS. History—New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 12-28-98, 7-5-00.

25-4.111 Customer Complaints and Service Requests.

(1) Each telephone utility shall make a full and prompt investigation of all complaints and service requests made by its customers, either directly to it or through the Commission and respond to the initiating party within fifteen (15) days. The term "complaint" as used in this rule shall be construed to mean any oral or written report from a subscriber or user of telephone service relating to a physical defect, difficulty or dissatisfaction with the operation of telephone facilities, errors in billing or the quality of service rendered.

(2) Arrangements shall be made by each telephone company to receive customer trouble reports twenty-four (24) hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.

(3) If the use of service by any subscriber interferes unreasonably with the necessary service of other customers, such subscribers may be required to take service in sufficient quantity or of a different class or grade.

Specific Authority 364.20 FS. Law Implemented 364.03, 364.051, 364.07, 364.19, 364.20 FS. History—Revised 12-1-68, Amended 3-31-76.

25-4.112 Termination of Service by Customer.

Any customer may be required to give reasonable notice of his intention to discontinue service. Until the telephone utility shall be notified, the customer may be held responsible for charges for telephone service.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.19 FS. History—New 12-1-68.

25-4.113 Refusal or Discontinuance of Service by Company.

(1) As applicable, the company may refuse or discontinue telephone service under the following conditions provided that, unless otherwise stated, the customer shall be given notice and allowed a reasonable time to comply with any rule or remedy any

(d) The local exchange company shall apply the charge for each call to the number designated for long distance directory assistance within the customer's HNPA (i.e., 1 + (850) 555-1212).

(3) Charges for intrastate calls to directory assistance outside of the caller's HNPA shall be at rates prescribed in the general services tariff of the interexchange companies and shall be subject to the following:

(a) There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. See subpart (2)(a) of this rule for the definition of "disability". The interexchange carrier shall charge its prevailing tariff rates for every call in excess of 50 within a billing cycle.

Specific Authority 350.127 FS. Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS. History—New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95.

25-4.116 Telephone Number Assignment Procedure

Each company shall maintain written standard operating procedures for the assignment of telephone numbers. The standard operating procedure shall be applied in a non-discriminatory manner to requests for assignment of telephone numbers.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.14, 364.16 FS. History—New 2-9-87.

25-4.117 800 Service.

Telephone companies are prohibited from billing to or collecting from the originating caller any charges for calls to an 800 service subscriber.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.04, 364.051 FS. History—New 3-5-90.

25-4.118 Local, Local Toll, or Toll Provider Selection.

(1) The provider of a customer shall not be changed without the customer's authorization. The customer or other authorized person may change the residential service. For the purposes of this section, the term "other authorized person" shall mean a person 18 years of age or older within the same household. The person designated as the contact for the local telecommunications company, an officer of the company, or the owner of the company is the person authorized to change business service. A LEC shall accept a provider change request by telephone call or letter directly from its customers; or

(2) A LEC shall accept a change request from a certified LP or IXC acting on behalf of the customer. A certificated LP or IXC shall submit a change request only if it has first certified to the LEC that at least one of the following actions has occurred:

(a) The provider has a letter of agency (LOA), as described in (3), from the customer requesting the change;

(b) The provider has received a customer-initiated call, and beginning six months after the effective date of this rule has obtained the following:

1. The information set forth in (3)(a)1. through 5.; and

2. Verification data including at least one of the following:

a. The customer's date of birth;

b. The last four digits of the customer's social security number; or

c. The customer's mother's maiden name.

(c) A firm that is independent and unaffiliated with the provider claiming the subscriber has verified the customer's requested change by obtaining the following:

1. The customer's consent to record the requested change or the customer has been notified that the call will be recorded; and

2. Beginning six months after the effective date of this rule an audio recording of the information stated in subsection (3)(a)1. through 5.; or

(d)1. The provider has received a customer's change request, and has responded by mailing an informational package that shall include the following:

a. A notice that the information is being sent to confirm that a customer's request to change the customer's telecommunications provider was obtained;

b. A description of any terms, conditions, or charges that will be incurred;

c. The name, address, and telephone number of both the customer and the soliciting company;

d. A postcard which the customer can use to confirm a change request;

e. A clear statement that the customer's local, local toll, or toll provider will be changed to the soliciting company only if the customer signs and returns the postcard confirming the change; and

f. A notice that the customer may contact by writing the Commission's Division of Consumer Affairs, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or by calling, toll-free (TDD & Voice) 1-800-342-3552, for consumer complaints.

2. The soliciting company shall submit the change request to the LP only if it has first received the postcard that must be signed by the customer.

(3)(a) The LOA submitted to the company requesting a provider change shall include the following information (Each shall be separately stated):

1. Customer's billing name, address, and each telephone number to be changed;

2. Statement clearly identifying the certificated name of the provider and the service to which the customer wishes to subscribe, whether or not it uses the facilities of another company;

3. Statement that the person requesting the change is authorized to request the change;

4. Statement that the customer's change request will apply only to the number on the request and there must only be one presubscribed local, one presubscribed local toll, and one presubscribed toll provider for each number;

5. Statement that the LEC may charge a fee for each provider change;

6. Customer's signature and a statement that the customer's signature or endorsement on the document will result in a change of the customer's provider.

(b) The soliciting company's provider change fee statement, as described in (a)5. above, shall be legible, printed in boldface at least as large as any other text on the page, and located directly above the signature line.

(c) The soliciting company's provider change statement, as described in (a)6. above, shall be legible, printed in boldface at least as large as any other text on the page, and located directly below the signature line.

(4) The LOA shall not be combined with inducements of any kind on the same document. The document as a whole must not be misleading or deceptive. For purposes of this rule, the terms "misleading or deceptive" mean that, because of the style, format or content of the document or oral statements, it would not be readily apparent to the person signing the document or providing oral authorization that the purpose of the signature or the oral authorization was to authorize a provider change, or it would be unclear to the customer who the new provider would be; that the customer's selection would apply only to the number listed and there could only be one long distance service provider for that number; or that the customer's LP might charge a fee to switch service providers. If any part of the LOA is written in a language other than English, then it must contain all relevant information in each language. Notwithstanding the above, the LOA may be combined with checks that contain only the required LOA language as prescribed in subsection (3) of this section and the information necessary to make the check a negotiable instrument. The LOA check shall not contain any promotional language or material. The LOA check shall contain in easily readable, bold-face type on the front of the check, a notice that the consumer is authorizing a primary carrier change by signing the check. The LOA language shall be placed near the signature line on the back of the check.

(5) A prospective provider must have received the signed LOA before initiating the change.

(6) Information obtained under (2)(a) through (d) shall be maintained by the provider for a period of one year.

(7) Customer requests for other services, such as travel card service, do not constitute a provider change.

(8) Charges for unauthorized provider changes and all 1+ charges billed on behalf of the unauthorized provider for the first 30 days or first billing cycle, whichever is longer, shall be credited to the customer by the company responsible for the error within 45 days of notification to the company by the customer, unless the claim is false. After the first 30 days up to 12 months, all 1+ charges over the rates of the preferred company will be credited to the customer by the company responsible for the error within 45 days of notification to the company by the customer, unless the claim is false. Upon notice from the customer of an unauthorized provider change, the LEC shall change the customer back, or to another company of the customer's choice. The change must be made within 24 hours excepting Saturday, Sunday, and holidays, in which case the change shall be made by the end of the next business day. The provisions of this subsection apply whether or not the change is deemed to be an authorized carrier change infraction under subsection (13).

(9) The company shall provide the following disclosures when soliciting a change in service from a customer:

(a) Identification of the company;

(b) That the purpose of the visit or call is to solicit a change of the provider of the customer;

(c) That the provider shall not be changed unless the customer authorizes the change; and

(d) All information as referenced in Rule 25-24.490(3).

(10) During telemarketing and verification, no misleading or deceptive references shall be made while soliciting for subscribers.

(11) A provider must provide the customer a copy of the authorization it relies upon in submitting the change request within 15 calendar days of request.

(12) Each provider shall maintain a toll-free number for accepting complaints regarding unauthorized provider changes, which may be separate from its other customer service numbers, and must be answered 24 hours a day, seven days a week. If the number is a separate toll-free number, beginning six months after the effective date of this rule new customers must be notified of the number in the information package provided to new customers or on their first bill. The number shall provide a live operator or shall record end user complaints made to the customer service number to answer incoming calls. A combination of live operators and recorders may be used. If a recorder is used, the company shall attempt to contact each complainant no later than the next business day following the date of recording and for three subsequent days unless the customer is reached. If the customer is not reached, the company shall send a letter to the customer's billing address informing the customer as to the best time the customer should call or provide an address to which correspondence should be sent to the company. Beginning six months after the effective date of this rule, a minimum of 95 percent of all call attempts shall be transferred by the system to a live attendant or recording device prepared to give immediate assistance within 60 seconds after the last digit of the telephone number listed as the customer service number for unauthorized provider change complaints was dialed; provided that if the call is completed within 15 seconds to an interactive, menu-driven, voice response unit, the 60-second answer time shall be measured from the point at which the

customer selects a menu option to be connected to a live attendant. Station busies will not be counted as completed calls. The term "answer" as used in this subsection means more than an acknowledgment that the customer is waiting on the line. It shall mean the provider is ready to render assistance or accept the information necessary to process the call.

(13)(a) A company shall not be deemed to have committed an unauthorized carrier change infraction if the company, including its agents and contractors, did the following:

1. Followed the procedures required under subsection (2) with respect to the person requesting the change;
2. Followed these procedures in good faith; and
3. Complied with the credit procedures of subsection (8).

(b) In determining whether fines or other remedies are appropriate for an unauthorized carrier change infraction, the Commission shall consider the actions taken by the company to mitigate or undo the effects of the unauthorized change. These actions include but are not limited to whether the company, including its agents and contractors:

1. Followed the procedures required under subsection (2) with respect to the person requesting the change in good faith;
2. Complied with the credit procedures of subsection (8);
3. Took prompt action in response to the unauthorized change;
4. Reported to the Commission any unusual circumstances that might have adversely affected customers such as system errors or inappropriate marketing practices that resulted in unauthorized changes and the remedial action taken;
5. Reported any unauthorized provider changes concurrently affecting a large number of customers; or
6. Took other corrective action to remedy the unauthorized change appropriate under the circumstances.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.19, 364.285, 364.603 FS. History--New 3-4-92, Amended 5-31-95, 12-28-98.

PART IX ACCOUNTING AND REVENUE REQUIREMENTS

A. Accounting Reports

25-4.135 Annual Reports.

(1) Each rate-of-return regulated local exchange telephone company shall file annual reports with the Commission on Commission Form PSC/AFA 18 (xx/xx) which is incorporated by reference into this rule. Form PSC/AFA 18, entitled "Annual Report of Local Exchange Telephone Companies", may be obtained from the Commission's Division of Auditing and Financial Analysis. These reports shall be verified by a responsible accounting officer of the company making the report and shall be due on or before April 30 for the preceding calendar year. A company may file a written request for an extension of time with the Division of Auditing and Financial Analysis no later than April 30. One extension of 31 days will be granted upon request. A request for Commission approval of a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed.

(2) The company shall also file with the original and each copy of the annual report form, or separately within 30 days, a letter or report, signed by an independent certified public accountant, attesting to the conformity in all material respects of the following schedules and their applicable notes of Form PSC/AFA 18 with the Commission's applicable uniform system of accounts and published accounting releases:

- (a) Schedule B-1 Balance Sheet,
- (b) Schedule B-2 Statement of Cash Flows, and
- (c) Schedule I-1 Income Statement.

(3)(a) Each company shall file with the Commission an audit report issued by an independent auditor commenting on the company's compliance with its Cost Allocation Manual (CAM) or written accounting procedures for nonregulated operations. Beginning January 1, 1996, the compliance audit shall be performed no less than once every three years. The audit report shall be filed with the annual report or within 30 days of filing the annual report.

(b) Each company shall file, along with the audit report, a list of all incidents of non-compliance with the CAM or written accounting procedures for nonregulated operations. This list shall include all errors and irregularities detected by the independent auditor during the audit, regardless of materiality.

(c) The expense of the audit shall be separately identified and shall not be chargeable to expense for ratemaking purposes. The Commission may, upon sufficient showing, modify or waive these requirements.

Specific Authority 350.127(2) FS. Law Implemented 364.17 FS. History--New 12-27-94, Amended 3-10-96.

25-4.1352 Earnings Surveillance Report.

(1) Each rate-of-return regulated local exchange telephone company shall file rate of return data using Commission Form PSC/AFA 15 (x/xx), which is incorporated by reference into this rule. Form PSC/AFA 15, entitled "Telephone Earnings Surveillance Report," may be obtained from the Commission's Division of Auditing and Financial Analysis.

(2) The report shall be filed semiannually, by the 15th day of the second month following the reported period.

(a) A letter of transmittal shall accompany each filing, which lists the sheets (by sheet number and revision level) being transmitted and gives a brief description of all changes included therein and the reasons for the changes.

(b) Along with each tariff filing the company shall include four (4) copies of the tariff pages which contain proposed changes as they will appear in the approved tariff.

Specific Authority 350.127(2) FS. Law Implemented 364.04, 364.05, 364.057, 364.07, 364.08, 364.09, 364.10, 364.11, 364.14, 364.27, 364.337 FS. History—New 2-23-87, Amended 11-19-89, 11-21-95, 3-13-96.

25-24.490 Customer Relations; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to IXC's.

<u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
25-4.110	Customer Billing	Subsections (14), (15), (17), (18), and (20)
25-4.111	Customer Complaint and Service Requests	All except Subsection (2)
25-4.112	Termination of Service by Customer	All
25-4.113	Refusal or Discontinuance of Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll Provider Selection	All

(2) An IXC may require a deposit as a condition of service and may collect advance payments for more than one month of service if it maintains on file with the Commission a bond covering its current balance of deposits and advance payments (for more than one month's service). A company may apply to the Commission for a waiver of the bond requirement by demonstrating that it possesses the financial resources and income to provide assurance of continued operation under its certificate over the long term.

(3) Upon request, each company shall provide verbally or in writing to any person inquiring about the company's service:

- (a) any nonrecurring charge,
- (b) any monthly service charge or minimum usage charge,
- (c) company deposit practices,
- (d) any charges applicable to call attempts not answered,
- (e) a statement of when charging for a call begins and ends, and
- (f) a statement of billing adjustment practices for wrong numbers or incorrect bills.

In addition, the above information shall be included in the first bill, or in a separate mailing no later than the first bill, to all new customers and to all customers presubscribing on or after the effective date of this rule, and in any information sheet or brochure distributed by the company for the purpose of providing information about the company's services. The above information shall be clearly expressed in simple words, sentences and paragraphs. It must avoid unnecessarily long, complicated or obscure phrases or acronyms.

Specific Authority 350.127(2), 364.604(5) FS. Law Implemented 364.03, 364.14, 364.15, 364.19, 364.337, 364.602, 364.604 FS. History—New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 12-28-98, 7-5-00.

PART XI RULES GOVERNING PAY TELEPHONE SERVICE

25-24.505 Scope.

This part applies to any person providing pay telephone service. As provided by Rules 25-4.002, 25-9.001, and 25-14.001, no provision of Chapters 25-4, 25-9, or 25-14 shall apply to pay telephone service companies, except the following: 25-4.003 (Definitions), 25-4.0161 (Regulatory Assessment Fees; Telecommunications Companies), 25-4.019 (Records and Reports in General), 25-4.020(2) (Location and Preservation of Records), and 25-4.043 (Response to Commission Staff Inquiries).

Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.115, 350.117, 364.01, 364.016, 364.02, 364.17, 364.18, 364.183, 364.185, 364.32, 364.337, 364.3375 FS. History—New 1-5-87, Amended 11-13-95, 2-1-99.

25-24.510 Certificate of Public Convenience and Necessity Required.

No person shall provide pay telephone service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services be collected until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and other promotional activities may begin prior to the effective date of the certificate at the company's risk that it may not be granted. In any customer contacts or advertisements prior to certification, the company must advise the customer that certification has not and may never be granted.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History—New 1-5-87, Amended 5-15-89.

25-24.511 Application for Certificate.

(1) Any person desiring to provide pay telephone services must have a pay telephone service certificate.

25-24.835 Rules Incorporated.

The following rules are incorporated herein by reference and apply to alternative local exchange companies.

<u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
25-4.0161	Regulatory Assessment Fees	All
25-4.043	Response to Commission Staff Inquiries	All
25-4.036	Design and Construction of Plant	All
25-4.038	Safety	All
25-4.160	Operation of Telecommunications Relay Service	All
25-24.480	Records and Reports; Rules Incorporated	Subsection (2)

Specific Authority 350.127(2), 364.337(2), 427.704(8) FS. Law Implemented 364.183, 364.336, 364.337(2) FS. History—New 12-27-95, Amended 4-8-98, 6-24-99.

25-24.840 Service Standards.

(1) Each provider of alternative local exchange telecommunications service shall make access to 911 emergency services available to each of its basic telecommunications service customers at a level at least equivalent to the service provided by the incumbent local exchange company.

(2) By July 1, 1997, access to 911 services shall be maintained for the duration of any temporary disconnection for non-payment of a residential subscriber's local service.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.337, 364.345 FS. History—New 5-6-97.

25-24.845 Customer Relations, Rules Incorporated.

The following rules are incorporated herein by reference and apply to ALECs. In the following rules, the acronym "LEC" should be omitted or interpreted as "ALEC".

<u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
25-4.110	Customer Billing	Subsections (14), (15), (16), (17), (18), and (20)
24-4.118	Local, Local Toll, or Toll Provider Selection	All

Specific Authority 350.127(2), 364.337(2), 364.604(5) FS. Law Implemented 364.337(2), 364.602, 364.604 FS. History—New 12-28-98, Amended 7-5-00.

PART XVI RULES GOVERNING PREPAID CALLING SERVICES

25-24.900 Scope.

(1) This part applies to companies that provide prepaid calling services (PPCS) to the public using its own or resold telecommunications networks.

(2) Prepaid calling services provided without compensation are exempt from Part XVI.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.19, 364.337(4) FS. History—New 3-26-98.

25-24.905 Terms and Definitions.

For purposes of this part, the definitions to the following terms apply:

(1) "Company" means any entity providing prepaid calling services to the public using its own or resold telecommunications network.

(2) "Conversation time" is the time when two-way telecommunications is possible.

(3) "Prepaid Calling Services (PPCS)" means any prepaid telecommunications service that allows end users to originate calls through an access number and authorization code, whether manually or electronically dialed.

(4) "Prepaid Calling Card" or "Card" means any object containing an access number and authorization code that enables an end user to use PPCS.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.03, 364.051, 364.335, 364.337(4) FS. History—New 3-26-98.

25-24.910 Certificate of Public Convenience and Necessity Required.

A company shall not provide PPCS without first obtaining a certificate of public convenience and necessity as a local exchange company, alternative local exchange company, or interexchange company. The name used as the provider of PPCS printed on the prepaid calling card shall appear identical to the name in which the certificate is issued. A "doing business as" name may be used in lieu of the certificated name if it is registered as a fictitious name with the Florida Division of Corporations, and reflected on the certificate before the name is used on the card.

Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337(4) FS. History—New 3-26-98.